

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II - Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पुष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that .. may be filed as a separate compilation.

### RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 25th July, 2002:—

#### BILL No. LXIV of 2002

A Bill further to amend the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002.

Short title and commencement

Substitution of long title

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 2. In the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:---

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"An Act to provide for the prohibition of sex selection, before or after conception, and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female foeticide and for matters connected therewith or incidental thereto.".

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (1), for the words and brackets "the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse)", the words and brackets "the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection)" shall be substituted.

Amendment of section 2.

- 4. In section 2 of the principal Act,---
  - (i) after clause (b), the following clauses shall be inserted, namely:—
  - '(ba) "conceptus" means any product of conception at any stage of development from fertilisation until birth including extra embryonic membranes as well as the embryo or foetus;
  - (bb) "embryo" means a developing human organism after fertilisation till the end of eight weeks (fifty-six days);
  - (bc) "foetus" means a human organism during the period of its development beginning on the fifty-seventh day following fertilisation or creation (excluding any time in which its development has been suspended) and ending at the birth;":
  - (ii) in clause (d), the following Explanation shall be added, namely:—
  - "Explanation.—For the purposes of this clause, 'Genetic Clinic' includes a vehicle, where ultrasound machine or imaging machine or scanner or other equipment capable of determining sex of the foetus or a portable equipment which has the potential for detection of sex during pregnancy or selection of sex before conception, is used;";
  - (iii) in clause (e), the following Explanation shall be added, namely:—
  - "Explanation.—For the purposes of this clause, 'Genetic Laboratory' includes a place where ultrasound machine or imaging machine or scanner or other equipment capable of determining sex of the foetus or a portable equipment which has the potential for detection of sex during pregnancy or selection of sex before conception, is used.";
  - (iv) for clause (g), the following clause shall be substituted, namely:—
  - '(g) "medical geneticist" includes a person who possesses a degree or diploma in genetic science in the fields of sex selection and pre-natal diagnostic techniques or has experience of not less than two years in any of these fields after obtaining—
    - (i) any one of the medical qualifications recognised under the Indian Medical Council Act, 1956; or

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- (ii) a post-graduate degree in biological sciences;";
- (v) for clause (i), the following clause shall be substituted, namely:—
- '(i) "pre-natal diagnostic procedures" means all gynaecological or obstetrical or medical procedures such as ultrasonography, foetoscopy, taking or removing samples of amniotic fluid, chorionic villi, embryo, blood or any other tissue or fluid of a man, or of a woman before or after conception, for being sent to a Genetic Laboratory or Genetic Clinic for conducting any type of analysis or pre-natal diagnostic tests for selection of sex before or after conception;';
- (vi) for clause (k), the following clause shall be substituted, namely:—
- "(k) "pre-natal diagnostic test" means ultrasonography or any test or analysis of amniotic fluid, chorionic villi, blood or any tissue or fluid of a pregnant woman or conceptus conducted to detect genetic or metabolic disorders or chromosomal abnormalities or congenital anomalies or haemoglobinopathies or sex-linked diseases;";

(vii) after clause (n), the following clauses shall be inserted, namely:—

- '(o) "sex solection" includes any procedure, technique, test or administration or prescription or provision of anything for the purpose of ensuring or increasing the probability that an embryo will be of a particular sex;
- (p) "sonologist or imaging specialist" means a person who possesses any one of the medical qualifications recognised under the Indian Medical Council Act, 1956 or who possesses a post-graduate qualification in ultrasonography or imaging techniques or radiology;
- (q) "State Board" means a State Supervisory Board or a Union territory Supervisory Board constituted under section 16A;
- (r) "State Government" in relation to Union territory with Legislature means the Administrator of that Union territory appointed by the President under article 239 of Constitution.'.
- 5. In section 3 of the principal Act, for clause (2), the following clause shall be substituted, namely:—

Amendment of section 3.

- "(2) no Genetic Counselling Centre or Genetic Laboratory or Genetic Clinic shall employ or cause to be employed or take services of any person, whether on honorary basis or on payment who does not possess the qualifications as may be prescribed.".
- 6. After section 3 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 3A and 3B.

"3A. No person, including a specialist or a team of specialists in the field of infertility, shall conduct or cause to be conducted or aid in conducting by himself or by any other person, sex selection on a woman or a man or on both or on any tissue, embryo, conceptus, fluid or gametes derived from either or both of them.

Prohibition of sex-selection.

3B. No person shall sell any ultrasound machine or imaging machine or scanner or any other equipment capable of detecting sex of foetus to any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other person not registered under the Act.".

Prohibition on sale of ultrasound machine, etc., to persons, laboratories, clinies, etc., not registered under the Act.

7. In section 4 of the principal Act, for clauses (3) and (4), the following clauses shall be substituted, namely:—

Amendment of section 4.

- "(3) no pre-natal diagnostic techniques shall be used or conducted unless the person qualified to do so is satisfied for reasons to be recorded in writing that any of the following conditions are fulfilled, namely:—
  - (i) age of the pregnant woman is above thirty-five years;
  - (ii) the pregnant woman has undergone two or more spontaneous abortions or foetal loss;
  - (iii) the pregnant woman had been exposed to potentially teratogenic agents such as, drugs, radiation, infection or chemicals;
  - (iv) the pregnant woman or her spouse has a family history of mental retardation or physical deformities such as, spasticity or any other genetic disease;
    - (v) any other condition as may be specified by the Board:

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Provided that the person conducting ultrasonography on a pregnant woman shall keep complete record thereof in the clinic in such manner, as may be prescribed, and any deficiency or inaccuracy found therein shall amount to contravention of provisions of section 5 or section 6 unless contrary is proved by the person conducting such ultrasonography;

- (4) no person including a relative or husband of the pregnant woman shall seek or encourage the conduct of any pre-natal diagnostic techniques on her except for the purposes specified in clause (2);
- (5) no person including a relative or husband of a woman shall seek or encourage the conduct of any sex-selection technique on her or him or both.".

### Amendment of section 5.

- 8. In section 5 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—
  - "(2) No person including the person conducting pre-natal diagnostic procedures shall communicate to the pregnant woman concerned or her relatives or any other person the sex of the foetus by words, signs, or in any other manner.".

## Amendment of section 6.

- 9. In section 6 of the principal Act, after clause (b), the following clause shall be inserted, namely:—
  - "(c) no person shall, by whatever means, cause or allow to be caused selection of sex before or after conception.".

### Amendment of section 7

- 10. In section 7 of the principal Act,---
- (i) in sub-section (2), for clause (c), the following clause shall be substituted, namely:—
  - "(c) three members to be appointed by the Central Government to represent the Ministries of Central Government in charge of Women and Child Development, Department of Legal Affairs or Legislative Department in the Ministry of Law and Justice, and Indian System of Medicine and Homoeopathy, ex officio;";
- (ii) in clause (c), for sub-clause (ii), the following sub-clause shall be substituted, namely:—
  - "(ii) eminent gynaecologist and obstetrician or expert of stri-roga or prasuti-tantra.".

### Amendment of section 14,

- 11. In section 14 of the principal Act, for clause (f), the following clause shall be substituted, namely:—
  - "(f) has, in the opinion of the Central Government, been associated with the use or promotion of pre-natal diagnostic technique for determination of sex or with any sex selection technique.".

# Amendment of section 15.

- 12. In section 15 of the principal Act, the following proviso shall be inserted, namely:—
  - "Provided that no member other than an ex officio member shall be appointed for more than two consecutive terms.".

Substitution of new section for section 16. Functions of

the Board.

- 13. For section 16 of the principal Act, the following section shall be substituted, namely:—
  - "16. The Board shall have the following functions, namely:—
  - (i) to advise the Central Government on policy matters relating to use of pre-natal diagnostic techniques, sex selection techniques and against their misuse;

- (11) to review and monitor implementation of the Act and rules made thereunder and recommend to the Central Government changes in the said Act and rules
- (111) to create public awareness against the practice of pre-conception sex selection and pre-natal determination of sex of foctus leading to female foeticide,
- (1v) to lay down code of conduct to be observed by persons working at Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics;
- (v) to oversee the performance of various bodies constituted under the Act and take appropriate steps to ensure its proper and effective implementation,
  - (vi) any other functions as may be prescribed under the Act "
- 14. After section 16 of the principal Act, the following section shall be inserted, namely--

Insertion of new section 16A

- "16A. (1) Each State and Union territory having Legislature shall constitute a Board to be known as the State Supervisory Board or the Union territory Supervisory Board, as the case may be, which shall have the following functions:—
  - (1) to create public awareness against the practice of pre-conception sex selection and pre-natal determination of sex of foetus leading to female foeticide
  - (ii) to review the activities of the Appropriate Authorities functioning in the State and recommend appropriate action against them;
  - (iii) to monitor the implement, don of provisions of the Act and the rules and make suitable recommendations relating thereto, to the Board;
  - (iv) to send such consolidated reports as may be prescribed in respect of the various activities undertaken in the State under the Act to the Board and the Central Government; and
    - (v) any other functions as may be prescribed under the Act.
  - (2) The State Board shall consist of,—
  - (a) the Minister in charge of Health and Family Welfare in the State, who shall be the Chairperson, ex officio;
  - (b) Secretary in charge of the Department of Health and Family Welfare who shall be the Vice-Chairperson, ex officio;
  - (c) Secretaries or Commissioners in charge of Departments of Women and Child Development, Social Welfare, Law and Indian System of Medicines and Homoeopathy, ex officio, or their representatives;
  - (d) Director of Health and Family Welfare or Indian System of Medicines and Homoeopathy of the State Government, ex officio;
    - (c) three women members of Legislative Assembly or Legislative Council;
  - (f) ten members to be appointed by the State Government out of which two each shall be from the following categories,—
    - (i) eminent social scientists and legal experts;
    - (ii) eminent women activists from non-governmental organisations or otherwise;
    - (iii) eminent gynaecologists and obstetricians or experts of striroga or prasuti-tantra;

Constitution of State Supervisory Board and Union territory Supe Boar

- (iv) eminent paediatricians or medical geneticists;
- (v) eminent radiologists or sonologists;
- (g) an officer not below the rank of Joint Director in charge of Family Welfare, who shall be the Member Secretary, ex officio.
- (3) The State Board shall meet at least once in four months.
- (4) The term of office of a member, other than an ex officio member, shall be three years.
- (5) If a vacancy occurs in the office of any member other than an ex officio member, it shall be filled by making fresh appointment.
- (6) If a member of the Legislative Assembly or member of the Legislative Council who is a member of the State Board, becomes Minister or Speaker or Deputy Speaker of the Legislative Assembly or Chairperson or Deputy Chairperson of the Legislative Council, she shall cease to be a member of the State Board.
- (7) One-third of the total number of members of the State Board shall constitute the quorum.
- (8) The State Board may co-opt a member as and when required, provided that the number of co-opted members does not exceed one-third of the total strength of the State Board.
- (9) The co-opted members shall have the same powers and functions as other members, except the right to vote and shall abide by the rules and regulations.
- (115) In respect of matters not specified in this section, the State Board shall follow procedures and conditions as are applicable to the Board.".

15. In section 17 of the principal Act,—

- (i) in sub-section (3), for clause (a), the following clause shall be substituted, namely:—
  - "(a) when appointed for the whole of the State or the Union territory, consisting of the following three members—
    - (i) an officer of or above the rank of the Joint Director of Health and Family Welfare—Chairperson;
      - (ii) an eminent woman representing women's organisation; and
    - (iii) an officer of Law Department of the State or the Union territory concerned:

Provided that it shall be the duty of the State or the Union territory concerned to constitute multi-member State or Union territory level Appropriate Authority within three months of the coming into force of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002:

Provided further that any vacancy occurring therein shall be filled within three months of the occurrence.".

- (ii) in sub-section (4), after clause (d), the following clauses shall be inserted, namely:—
  - "(e) to take appropriate legal action against the use of any sex selection technique by any person at any place, suo motu or brought to its notice and also to initiate independent investigations in such matter;

Amendment of section 17

- (f) to create public awareness against the practice of sex selection or prenatal determination of sex;
  - (g) to supervise the implementation of the provisions of the Act and rules;
- (h) to recommend to the Board and State Boards modifications required in the rules in accordance with changes in technology or social conditions;
- (1) to take action on the recommendations of the Advisory Committee made after investigation of complaint for suspension or cancellation of registration.";
- (iii) for sub-section (7), the following sub-section shall be substituted, namely:—
  - "(7) No person who has been associated with the use or promotion of prenatal diagnostic techniques for determination of sex or sex selection shall be appointed as a member of the Advisory Committee.".
- 16. After section 17 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 17A Powers of Appropriate Authorities

- "17A. The Appropriate Authority shall have the powers in respect of the following matters, namely:—
  - (a) summoning of any person who is in possession of any information relating to violation of the provisions of this Act or the rules made thereunder;
    - (b) production of any document or material object relating to clause (a);
  - (c) issuing search warrant for any place suspected to be indulging in sex selection techniques or pre-natal sea determination; and
    - (d) any other matter which may be prescribed ".
- 17. In section 18 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 18

- "(1) No person shall open any Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, including clinic, laboratory or centre having ultrasound or imaging machine or scanner or any other technology capable of undertaking determination of sex of foetus and sex selection, or render services to any of them, after the commencement of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002 unless such centre, laboratory or clinic is duly registered under the Act.".
- 18. For section 22 of the principal Act, the following section shall be substituted, namely:—
  - '22. (1) No person, organisation, Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, including clinic, laboratory or centre having ultrasound machine or imaging machine or scanner or any other technology capable of undertaking determination of sex of foetus or sex selection shall issue, publish, distribute, communicate or cause to be issued, published, distributed or communicated any advertisement, in any form, including internet, regarding facilities of pre-natal determination of sex or sex selection before conception available at such centre, laboratory, clinic or at any other place.
  - (2) No person or organisation including Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic shall issue, publish, distribute, communicate or cause to be issued, published, distributed or communicated any advertisement in any manner regarding pre-natal determination or pre-conception selection of sex by any means whatsoever, scientific or otherwise.

Substitution of new section for section 22.

Prohibition of advertisement relating to preconception and pre-natal determination of sex and punishment for contravention. (3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees.

Explanation.—For the purposes of this section, "advertisement" includes any notice, circular, label, wrapper or any other document including advertisement through internet or any other media in electronic or print form and also includes any visible representation made by means of any hoarding, wall-painting, signal, light, sound, smoke or gas.'.

Amendment of section 23.

- 19. In section 23 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—
  - "(2) The name of the registered medical practitioner shall be reported by the Appropriate Authority to the State Medical Council concerned for taking necessary action including suspension of the registration if the charges are framed by the court and till the case is disposed of and on conviction for removal of his name from the register of the Council for a period of five years for the first offence and permanently for the subsequent offence.
  - (3) Any person who seeks the aid of any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or ultrasound clinic or imaging clinic or of a medical geneticist, gynaecologist, sonologist or imaging specialist or registered medical practitioner or any other person for sex selection or for conducting pre-natal diagnostic techniques on any pregnant women for the purposes other than those specified in sub-section (2) of section 4, he shall, be punishable with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees for the first offence and for any subsequent offence with imprisonment which may extend to five years and with fine which may extend to one lakh rupees.
  - (4) For the removal of doubts, it is hereby provided, that the provisions of subsection (3) shall not apply to the woman who was compelled to undergo such diagnostic techniques or such selection.".

20. For section 24 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 24

Presumption in the case of conduct of pre-natal diagnostic techniques. "24. Notwithstanding anything contained in the Indian Evidence Act, 1872, the court shall presume unless the contrary is proved that the pregnant woman was compelled by her husband or any other relative, as the case may be, to undergo prenatal diagnostic technique for the purposes other than those specified in sub-section (2) of section 4 and such person shall be liable for abetment of offence under subsection (3) of section 23 and shall be punishable for the offence specified under that section."

Amendment of section 28.

21. In section 28 of the principal Act, in sub-section (1), in clause (b), for the words "thirty days", the words "fifteen days" shall be substituted.

Amendment of section 30.

22. In section 30 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) If the Appropriate Authority has reason to believe that an offence under this Act has been or is being committed at any Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other place, such Authority or any officer authorised in this behalf may, subject to such rules as may be prescribed, enter and search at all reasonable times with such assistance, if any, as such Authority or officer considers necessary, such Genetic Counselling Centre, Genetic Laboratory, Genetic Clinic or any other place and examine any record, register, document, book, pamphlet, advertisement or any other material object found therein and seize and seal the same if such Authority or officer has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.".

23. After section 31 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 31A

"31A. (1) If any difficulty arises in giving effect to the provisions of the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of the said Act as appear to it to be necessary or expedient for removing the difficulty:

31A Removal of difficulties

Provided that no order shall be made under this section after the expiry of a period of three years from the date of commencement of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002.

- (2) Every order made under this section shall be faid, as soon as may be after it is made, before each House of Parliament.".
- 24. In section 32 of the principal Act, in sub-section (2),---

Amendment of section 32

- (i) for clause (i), the following clauses shall be substituted, namely:—
- "(i) the minimum qualifications for persons employed at a registered Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic under clause (2) of section 3;
- (ia) the manner in which the person conducting ultrasonography on a pregnant woman shall keep record thereof in the clinic under the proviso to subsection (3) of section 4;";
- (ii) after clause (iv), the following clauses shall be inserted, namely: -
- "(iva) code of conduct to be observed by persons working at Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics to be laid down by the Central Supervisory Board under clause (iv) of section 16;
- (ivb) the manner in which reports shall be furnished by the State and Union territory Supervisory Boards to the Board and the Central Government in respect of various activities undertaken in the State under the Act under clause (iv) of sub-section (1) of section 16A;
- (ivc) empowering the Appropriate Authority in any other matter under clause (d) of section 17A;".

#### STATEMENT OF OBJECTS AND REASONS

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misusc) Act, 1994 seeks to prohibit pre-natal diagnostic techniques for determination of sex of the foetus leading to female foeticide. During recent years, certain inadequacies and practical difficulties in the administration of the said Act have come to the notice of the Government, which has necessitated amendments in the said Act.

- 2. The pre-natal diagnostic techniques like amniocentesis and sonography are useful for the detection of genetic or chromosomal disorders or congenital malformations or sex linked disorders, etc. However, the amniocentesis and sonography are being used on a large scale to detect the sex of the foctus and to terminate the pregnancy of the unborn child if found to be female. Techniques are also being developed to select the sex of child before conception. These practices and techniques are considered discriminatory to the female sex and not conducive to the dignity of the women.
- 3. The proliferation of the technologies mentioned above may, in future, precipitate a catastrophe, in the form of severe imbalance in male-female ratio. The State is also duty bound to intervene in such matters to uphold the welfare of the society, especially of the women and children. It is, therefore, necessary to enact and implement in letter and spirit a legislation to ban the pre-conception sex selection techniques and the misuse of pre-natal diagnostic techniques for sex-selective abortions and to provide for the regulation of such abortions. Such a law is also needed to uphold medical ethics and initiate the process of regulation of medical technology in the larger interests of the society.
- 4 Accordingly, it is proposed to amend the aforesaid Act with a view to banning the use of both sex selection techniques prior to conception as well as the misuse of pre-natal diagnostic techniques for sex selective abortions and to regulate such techniques with a view to ensuring their scientific use for which they are intended.
  - 5. The Bill seeks to achieve the aforesaid objects.

SHATRUGHAN SINHA.

#### FINANCIAL MEMORANDUM

Clause 14 of the Bill, which seeks to insert a new section 16A in the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 provides that each State and Union territory having legislature shall constitute a State Supervisory Board or a Union territory Supervisory Board, as the case may be, with the Minister in charge of Health and Family Welfare in the State as its Chairperson and 19 other members. The Bill also provides that the State Board may co-opt members, as and when required, not exceeding one-third of the total strength of the State Board, i.e., the State Board has power to co-opt up to six members. Thus, apart from the Chairperson and six ex officio members, the State Board may have 19 non-official members. The Members other than the ex officio members of the State Board will receive such allowances, if any, as may be prescribed in terms of subsection (10) of newly inserted section 16A of the Bill which provides that the State Government shall follow procedures and conditions as are applicable to the Central Supervisory Board. Sub-section (3) of section 16A also provides that the State Board shall meet at least once in four months. The financial liability that will accrue to the State Government will be in respect of payment of DA/TA to the non-official members and other usual expenditure for holding the State Board meetings. No precise estimates of the likely expenditure on this account can be given at this stage.

- 2. Clause 15 of the Bill seeks to amend clause (a) of sub-section (3) of section 17 of the said Act which envisages constitution of a multi-member State or Union territory level Appropriate Authority. The members of the Appropriate Authority will include an emment woman representing women's organisation apart from two Government officers. As the number of meetings of the Appropriate Authorit is is not fixed, hence no precise estimates of the likely expenditure on account of holding of meetings can be given at this stage.
- 3. The expenditure towards the State Supervisory Roards and multi-member State level Appropriate Authorities and other miscellaneous expenditure in the State will be provided by the respective State Governments and such expenditure in respect of the Union territories will be defrayed out of the Consolidated Fund of India. At present, it is not possible to work out the exact cost of the expenditure that may be required.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

- 1. Clause 5 of the Bill seeks to substitute sub-section (2) of section 3 of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 so as to empower the Central Government to prescribe by rules minimum qualifications for persons employed in registered Genetic Counselling Centre, Genetic Laboratory and Genetic Clinic.
- 2. Clause 7 of the Bill seeks to substitute clauses (3) and (4) of section 4 of the said Act. Proviso to sub-section (3) of section 4 empowers the Central Government to prescribe the manner in which the person conducting ultrasonography on a pregnant woman shall keep record thereof in the Clinic.
- 3. Clause 13 of the Bill seeks to substitute section 16 of the aforesaid Act. Clause (iv) of section 16 empowers the Central Supervisory Board to lay down code of conduct which would be observed by persons working at Genetic Counselling Centres, Genetic Laboratorics and Genetic Clinics,
- 4. Clause 14 of the Bill seeks to insert new section 16A in the aforesaid Act. Clause (iv) of sub-section (1) of newly inserted section 16A empowers the Central Government to prescribe the manner in which reports shall be furnished by the State and Union territory Supervisory Boards to the Central Supervisory Board and to the Central Government in respect of various activities undertaken in the States or Union territories under the Act.
- 5. Clause 16 of the Bill seeks to insert new section 17A in the aforesaid Act. Clause (d) of newly inserted section 17A empowers the Central Government to prescribe any other matter in respect of which the Appropriate Authority shall have powers for the purposes of the Act.
- 6. Clause 22 of the Bill seeks to substitute sub-section (1) of section 30 of the Act so as to empower the Central Government to prescribe the manner in which search, seizure and sealing of documents, records, objects, etc., shall be made.
- 7. The delegation of the legislative power under the aforesaid provisions relates to the matter of procedure and administrative detail. The delegation of legislative power 1s, therefore, of a normal character.

R.C.TRIPATHI, Secretary-General.